## REMARKS/ARGUMENTS

**1. The Examiner rejected claims 1, 5, and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging.**

The Examiner stated: "**Claim 1:** The Sack Saver reference provides a teaching of a method for training a user to pack a retail bag comprising the step of: presenting plurality of purchased item in said computer in a random order (see Sack Saver item 1), presenting a plurality of retail carrier bag in said computer (see Sack Saver item 2); moving said plurality of purchased item one at a time, as presented, into said plurality of retail carrier bag one at time within said computer in accordance with signal generated by said user (see Sack Saver item 3). The Sack Saver reference provide a teaching of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased item, evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria and providing feedback to said user. ·

The Science of Bagging provide a teaching of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased item (see Science of Bagging "weight, item, position"); evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria (see Science of Bagging "item count") and providing feedback to said user (see Science of Bagging "prize"). Therefore, it would have been obvious to include the feature of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased item, evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria and providing feedback to said user; as taught by Science of Bagging reference; because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claims 5 and 9:** The Sack Saver reference fails to provide a teaching of packing criteria include number of purchased item packed in each retail carrier bag. However, the Science of Bagging

provide a teaching of packing criteria include number of purchased item packed in each retail carrier bag (see Science of Bagging "item count"). Therefore, it would have been obvious to one ordinary skilled in the art to include packing criteria include number of purchased item packed in each retail carrier bag, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claim 8:** The Sack Saver reference fails to provide a teaching of weight distribution among said plurality of retail carrier bags. However, the Science of Bagging reference provides a teaching of weight distribution among said plurality of retail carrier bags (see Science of Bagging "weight"). Therefore, it would have been obvious to include the feature of weight distribution among said plurality of retail carrier bags, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claim 10:** The Sack Saver reference fails to provide a teaching where the feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag.

However, the Science of Bagging a teaching where the feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag (see Science of Bagging "speed"). Therefore, it would have been obvious to include the feature of having feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery."

**2. The Examiner rejected claims 6-7 and 34 under 35 U.S.C. l03(a) as being unpatentable over Sack Saver in view Science of Bagging and further in view of Chowdurry 6,875,958.**

The Examiner stated: **"Claim 6 and 7:** The Sack Saver fail to provide a teaching of criteria include the criterion that a crushable purchased item should be in a lower position or lower corner position within said retail bag. However, the Chowdurry reference provides a teaching of criteria include the criterion that a crushable purchased item should be in a lower position or

lower corner position within said retail bag (see Chowdurry col. 9: 14-31). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of quantifying by the determining the fragile item be placed in a certain position in the container, as taught by Chowdury, because it would help the user be able to take into account possible damage (see Chowdury see 9:15-20).

**Claim 34:** The Sack Saver reference provides a teaching of a method of training of a person in the art of packaging purchased item comprising the step of: providing a computer generated GUI of a packing station (see Sack Saver item 6); a simulation of plurality of different purchased item (see Sack Saver item 1); a simulation of at least one packing bag (see Sack Saver item 3); a simulation of at least one packing platform (see Sack Saver item 6); a simulation of a conveyor belt travelling toward said packing station (see Sack Saver item 1); an item vertical and horizontal rotate button (see Sack Saver item 4); a new bag button (see Sack Saver item 2); simulation of a grocery cart (see Sack Saver item 6); allowing said person to rotate said purchased item, if necessary by clicking one or both of said rotate button with cursor (see Sack · Saver item 4); allowing said person to pack at least one bag on said packing station by clicking on new bag button (see Sack Saver item 2) The Sack Saver reference does not provide a teaching of a done button allowing said person that has finished packing all purchased item by clicking the done button, allowing said person that has finished packing all purchased item by clicking the done button, cursor, bag item count indicator, bag weight indicator, and elapsed time indicator. The examiner takes OFFICIAL NOTICE on the feature of done button, allowing said person that has finished packing all purchased item by clicking the done button, providing linking mean for said person to manipulate said cursor (input device) and cursor as being old and well known in the art of graphical user interface. Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of done button and cursor because it would enable the user to provide game input information to the system. While the Sack Saver reference fail to provide simulating movement of said purchased item along conveyor belt; said purchased item being presented in random order; allowing said person to move one purchased item at a time from said conveyor belt to packing bag and placed said purchased item in a specific location within said

packing bag by means of dragging and dropping with cursor and allowing said person to move a filled bag from packing platform to said grocery cart with said cursor. However, it would have been obvious to one of ordinary skilled in the art to include the feature of simulating movement of said purchased item along conveyor belt; said purchased item being presented in random order; allowing said person to move one purchased item at a time from said conveyor belt to packing bag and placed said purchased item in a specific location within said packing bag by means of dragging and dropping with cursor and allowing said person to move a filled bag from packing platform to said grocery cart with said cursor, in order to provide a sense of realism in the simulation. The Science of Bagging provides a teaching of specification and indicator of a bag item count indicator, bag weight indicator and elapsed time indicator; tracking parameters for each training run: said parameter includes the number of item placed in bag, total weight in bag, total time to complete packing time (see Science of Bagging item count, speed, weight); reporting parameter to person and calculating each training run on these parameter (see Science of Bagging prizes) . Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of specification and indicator of a bag item count indicator, bag weight indicator and elapsed time indicator, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

The Sack Saver fail to provide a teaching of criteria include the criterion whether the item were properly placed in bag. However, the Chowdurry reference provides a teaching of scoring whether the items were properly placed in bag (see Chowdurry col. 9: 14-31). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of quantifying by the determining the fragile item be placed in a certain position in the container, as taught by Chowdurry, because it would help the user be able to take into account possible damage (see Chowdurry see 9: 15-20)."

**3. The Examiner rejected claim 11 under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging and further in view of Lee US 5,441,415.**

The Examiner stated: "**Claim 11:** The Sack Saver reference fails to provide a teaching of recording said feedback in database accessible through a computer network.. However, Lee provides a teaching of having a database accessible to an administrator on a network (See FIG. 1 item 42, 44 and 40). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of having a database accessible to an administrator on a network, as taught by Lee, because it would allow an administrator to guide the user (see Lee col. 2:45-67)."

**4. The Examiner rejected claim 35 under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging, in view of Chowdurry 6,875,958 and further in view of Lee US 5,441,415.**

The Examiner stated: "**Claim 35:** The Sack Saver reference fails to provide a teaching of recording said feedback in database accessible through a computer network. However, Lee provides a teaching of having a database accessible to an administrator on a network (See FIG. 1 item 42, 44 and 40). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of having a database accessible to an administrator on a network, as taught by Lee, because it would allow an administrator to guide the user (see Lee col. 2:45-67)."

**5. The Applicant respectfully traverses the above rejections.** First, The Examiner has failed to make a case that the Sack-Saver reference teaches anything. The Sack-Saver reference is a web site. The portions of this site that the Examiner has cited contain only a welcome message, a description of the people who started Sack-Saver and one example graphic of a training screen.

The Examiner has annotated the example graphic and presumed what each element teaches. The graphic is very small and impossible to read (even with magnification) and there is absolutely no written description of the graphic.

More specifically the Examiner has claimed the following:

   Item 1 represents:

a) presenting a plurality of purchased items in said computer in a random order;

b) a simulation of plurality of different purchased items; and

c) a simulation of a conveyor belt travelling toward said packing station;

Item 2 represents:

a) presenting a plurality of retail carrier bags in said computer;

b) a new bag button; and

c) allowing said person to pack at least one bag on said packing station by clicking on said new bag button;

Item 3 represents:

a) moving said plurality of purchased item one at a time, as presented, into said plurality of retail carrier bag one at time within said computer in accordance with signal generated by said user; and

b) a simulation of at least one packing bag;

Item 4 represents:

a) an item vertical and horizontal rotate button; and

b) allowing said person to rotate said purchased item, if necessary by clicking one or both of said rotate buttons with cursor; and

Item 6 represents:

a) providing a computer generated GUI of a packing station; and

b) a simulation of at least one packing platform simulation of a grocery cart.

It will be noted that the Examiner has given different, and frequently inconsistent, interpretations to these Items just in order to support his rejections. It will be noted that the Examiner has failed to provide an interpretation for Item 5. The Applicants submit that there is absolutely no support for the above interpretations and that, consequently, the Sack-Saver reference teaches nothing and cannot be relied upon as a prior art reference for the instant application.

The Science of Bagging reference cited by the Examiner is an article from Supermarket News, of Monday, September 23, 2002. It is clearly a news or marketing piece and not intended to be a complete description of the bagging game it describes. The most pertinent parts of this article are:

"... Sack-Saver, a new company based in Overland Park, Kan., is offering a training system designed to reduce bag usage and supply costs. Sack-Saver believes it has a better way to teach bagging, hosting an interactive, Web-based process that challenges baggers to demonstrate their prowess in a bagging "game."... In the Sack-Saver game, players observe products coming down a conveyor belt and have to decide which product goes where. Players are judged by standards used in the National Grocer Association's annual bagger contest, such as item count, position and weight distribution as well as speed, said Hatcher. As in conventional video games, players can advance to higher, more demanding levels. Sack-Saver monitors baggers' activity on the system and provides results to the stores. ... To motivate baggers to play the game during off hours, Garrett is offering prizes, such as free products in the store (a 12-pack of soda, for example), and plans to do a contest with bigger prizes."

The Examiner claims that "Science of Bagging provides a teaching of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased items." However, there is no mention in the most pertinent parts (above) that the game involves a plurality of retail carrier bags.

The Examiner claims that Science of Bagging provides "feedback to said user (see Science of Bagging "prize")." However, there is no mention in the most pertinent parts (above) of any feedback to the user and the prize is only used to "motivate baggers to play the game during off hours."

The Examiner claims that "Science of Bagging (provides) a teaching where the feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail

carrier bags (see Science of Bagging "speed")." However, there is no mention of total time taken in the most pertinent parts (above) and, as is taught by elementary physics, speed is not the same as time.

The Examiner claims that "Science of Bagging provides a teaching of specification and indicator of a bag item count indicator, bag weight indicator and elapsed time indicator; tracking parameters for each training run; said parameter includes the number of item placed in bag, total weight in bag, total time to complete packing time (see Science of Bagging item count, speed, weight); reporting parameter to person and calculating each training run on these parameter (see Science of Bagging prizes)." Again, there is no mention of bag item count indicator, bag weight indicator, elapsed time indicator, tracking parameters for each run, and total time to complete packing in the most pertienent parts (above).

Thus it can be seen that the Science of Bagging reference does not teach anywhere near what the Examiner thinks it does. Thus combining Sack Saver with Science of Bagging does not render the instant invention obvious.

**6. The Applicants have amended the claims in order to better describe what their invention is.** The applicants have added the limitation that the purchased items and retail carrier bags are virtual, which is self evident from the description of this invention. The applicants have also added a description of the item specification to claim 1. This specification is duplicated in claim 34. A few minor grammatical corrections have also been made. Thus no new matter has been added.

**7. No additional fee is due on account of the above amendments.** However an extension fee of $230 for response during the second month for a small entity is due. This will be electronically paid on filing of this paper.

Reconsideration of this application and its early allowance are respectfully requested in view of the above presented amendments and remarks.

Respectfully submitted,


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